

BILL NO. S-75-10- 56

SPECIAL ORDINANCE NO. S- 239-75

AN ORDINANCE approving a contract with AMFED
SERVICE CORPORATION for Sewer Extension for
Walden, Section IV

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

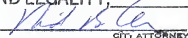
SECTION 1. That the contract dated October 9, 1975, between the
City of Fort Wayne, by and through its Mayor and the Board of Public Works
and SMFED SERVICE CORPORATION, for construction of a sanitary sewer in
the following described area:

A part of the Southeast quarter of Section 28, Township 31 North,
Range 13 East, Allen County, Indiana, more fully described as
follows:

Commencing at the Northeast corner of the Southeast quarter of
Section 28, Township 31 North, Range 13 East; thence South 00
degrees 46 minutes 00 seconds West along the East line of the
Southeast quarter of said Section 28 a distance of 330.00 feet to
the point of beginning; thence continuing along said East line
South 00 degrees 46 minutes 00 seconds West a distance of 785.14
feet to the Northeast corner of Walden, Section II, a sub-division
in the aforementioned Section, Township, and Range; thence North
89 degrees 25 minutes 00 seconds West along the North line of Walden
Section II, a distance of 700.00 feet to the Southeast corner of Walden,
Section III, a subdivision in the aforementioned Section, Township
and Range; thence Northwesterly and Northerly along the Easterly
boundary of Walden, Section III, by the following described courses;
North 34 degrees 25 minutes 54 seconds West a distance of 342.96
feet; thence North 00 degrees 57 minutes 00 seconds East a distance
of 510.00 feet to the Northeast corner of Walden, Section III, said
point being situated 330.00 feet South of the North line of the
Southeast quarter of Section 28; thence departing from the Walden,
Section III, boundary South 89 degrees 03 minutes 00 seconds East
along a line parallel with and 330.00 feet South of the North line of
the Southeast quarter of Section 28, a distance of 896.05 feet to the
point of beginning containing 15.59 acres more or less and subject
to right-of-way for Maplecrest Road, said right-of-way more particu-
larly described as follows:


Commencing at the Northeast corner of the Southeast quarter of Sec-
tion 28, Township 31 North, Range 13 East; thence South 00 degrees
46 minutes 00 seconds West along the East line of the Southeast
quarter of said Section 28, a distance of 330.00 feet to the point of
beginning; thence continuing along said East line South 00 degrees
46 minutes 00 seconds West a distance of 785.14 feet to the North
east corner of Walden, Section II, a sub-division in the aforementioned
Section, Township, and Range; thence North 89 degrees 25 minutes
00 seconds West along the North line of Walden, Section II, a dis-
tance of 36.7 feet; thence Northerly a distance of 785.39 feet; thence

APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

South 89 degrees 03 minutes 00 seconds East along a line parallel with and 330 feet South of the North line of the Southeast quarter of Section 28 a distance of 39.12 feet to the point of beginning containing .68 acres more or less

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Councilman

Read the first time in full and on motion by Burns, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City-Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 10-28-75 Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage. Passed (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>8</u>	<u>0</u>		<u>1</u>	
BURNS	✓				
HINGA	✓				
KRAUS				✓	
MOSES	✓				
NUCKOLS	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
STIER	✓				
TALARICO	✓				

DATE: 11-11-75 Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. D-239-75 on the 11th day of November, 1975.

ATTEST: (SEAL) James Stier
Charles W. Westerman CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1975, at the hour of 11:30 o'clock A M., E.S.T.

Approved and signed by me this 12th day of November, 1975, at the hour of 1:30 o'clock P M., E.S.T.

James Stier
MAYOR

Bill No. S-75-10-56

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
approving a contract with AMFED SERVICE CORPORATION for Sewer Extension
for Walden, Section IV

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance passed PASS.

Paul M. Burns - Chairman

Donald J. Schmidt - Vice-Chairman

Winfield C. Moses, Jr.

William T. Hinga

Eugene Kraus, Jr.

CONCURRED IN

DATE 11-11-75 CHARLES W. WESTERMAN, CITY CLERK

Memorandum

To Board of Public Works

Date October 8, 1975

From Philip R. Boller

Subject Sewer Extension Agreement - Walden Section IV

COPIES TO:

Ron Bonar
Don Danneier

Gentlemen:

Please find attached the necessary Sewer Extension Agreement for the above subject area to be executed by the Board of PublicWorks and the Mayor and forwarded to Council for approval.

A Sewer Extension Permit for the actual installation will follow, along with the necessary Performance and Guaranty Bond, under separate cover.

If there are any questions, please contact Mr. Wickensheimer or the undersigned of this department.

Respectfully submitted,



Philip R. Boller, Chief
Water Pollution Control Engineer

PRB/CW/pb

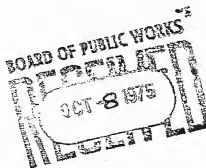
Attachments

OK-RB
10/8/75

NOTED

<input type="checkbox"/>	J.D.B.
<input checked="" type="checkbox"/>	C.E.Q.
<input type="checkbox"/>	B.L.N.

Date _____



62-291-8 11/9/75

62-291-8
10/9/75

A G R E E M E N T
F O R
S E W E R E X T E N S I O N

THIS AGREEMENT, made in triplicate this 9 day of October, 1975, be and between AMFED SERVICE CORP., hereinafter referred to as "Developer", and the CITY OF FORT WAYNE, INDIANA, an Indiana Municipal Corporation, hereinafter referred to as "City",

W I T N E S S E T H:

WHEREAS, the Developer desires to construct a sanitary sewer described as follows:

Sanitary Lateral "X":

Commencing at a bulk head located 7 + L. F. Northwest of the Northerly corner of Lot #174 in Walden, Section III; thence Northeasterly a distance of 146 + L. F. to proposed manhole "X-1"; thence continuing Northeasterly a distance of 277 + L. F. to proposed manhole "X-2"; thence continuing Northeasterly a distance of 190 + L. F. to proposed manhole "X-3"; thence continuing Southeasterly within the right-of-way of Landmark Drive a distance of 408 + L. F. and terminating at proposed manhole "X-4";

Sanitary Lateral "X-1":

Commencing at the above mentioned manhole "X-1"; thence Southeasterly a distance of 364 + L. F. to proposed manhole "X-1-A"; thence continuing Easterly a distance of 243 + L. F. and terminating at proposed manhole "X-1-B";

Sanitary Lateral "X-3":

Commencing at the above mentioned manhole "X-3"; thence Northeasterly a distance of 200 + L. F. and terminating at a manhole located at the Northwest corner of proposed Lot #256 in Walden, Section IV.

in accordance with plans, specifications and profiles heretofore submitted to the City and now on file in the office of the Chief Engineer of the Water Pollution Control Utilities of the City, and known as Sanitary Sewers to serve Walden Sub-division, Section IV, which plans, specifications, profiles are by reference incorporated herein and made a part hereof, which sewer will serve only the land in which the Developer has or has had an interest.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. CONSTRUCTION OF SEWER

The Developer shall cause said sewer to be constructed and located in accordance with said plans, specifications, and profiles, all approved by

1. CONSTRUCTION OF SEWER (Continued)

the City, under private contract after requisite City approval. All work and materials shall be subject to inspection by City and the right of City to halt construction if there shall be non-compliance therewith. Said sewer shall not be deemed permanently connected into the sewer system of City until final acceptance by City. Upon completion, said sewer shall become the property of City and City shall accept sewage therefrom, subject to such sewage service charges as may now or hereafter be regularly established by City and all further maintenance thereafter shall be borne by City.

2. COST OF CONSTRUCTION

The Developer agrees to pay the entire cost and expense of construction of said sewer, in cash, including City engineering and inspection fees, and to hold the City harmless from any liability for claims connected therewith.

3. AREA OF DEVELOPER

Said sewer when accepted by the City will serve the following described real estate:

A part of the Southeast quarter of Section 28, Township 31 North, Range 13 East, Allen County, Indiana, more fully described as follows:

Commencing at the Northeast corner of the Southeast quarter of Section 28, Township 31 North, Range 13 East; thence South 00 degrees 46 minutes 00 seconds West along the East line of the Southeast quarter of said Section 28 a distance of 330.00 feet to the point of beginning; thence continuing along said East line South 00 degrees 46 minutes 00 seconds West a distance of 785.14 feet to the Northeast corner of Walden, Section II, a sub-division in the aforementioned Section, Township, and Range; thence North 89 degrees 25 minutes 00 seconds West along the North line of Walden, Section II, a distance of 700.00 feet to the Southeast corner of Walden, Section III, a sub-division in the aforementioned Section, Township, and Range; thence Northwesterly and Northerly along the Easterly boundary of Walden, Section III, by the following described courses; North 34 degrees 25 minutes 54 seconds West a distance of 342.96 feet; thence North 00 degrees 57 minutes 00 seconds East a distance of 510.00 feet to the Northeast corner of Walden, Section III, said point being situated 330.00 feet South of the North line of the Southeast quarter of Section 28; thence departing from the Walden, Section III, boundary South 89 degrees 03 minutes 00 seconds

East along a line parallel with and 330.00 feet South of the North line of the Southeast quarter of Section 28, a distance of 896.05 feet to the point of beginning containing 15.59 acres more or less and subject to right-of-way for Maplecrest Road, said right-of-way more particularly described as follows:

Commencing at the Northeast corner of the Southeast quarter of Section 28, Township 31 North, Range 13 East; thence South 00 degrees 46 minutes 00 seconds West along the East line of the Southeast quarter of said Section 28, a distance of 330.00 feet to the point of beginning; thence continuing along said East line South 00 degrees 46 minutes 00 seconds West a distance of 785.14 feet to the Northeast corner of Walden, Section II, a sub-division in the aforementioned Section, Township, and Range; thence North 89 degrees 25 minutes 00 seconds West along the North line of Walden, Section II, a distance of 36.7 feet; thence Northerly a distance of 785.39 feet; thence South 89 degrees 03 minutes 00 seconds East along a line parallel with and 330 feet South of the North line of the Southeast quarter of Section 28 a distance of 39.21 feet to the point of beginning containing .68 acres more or less.

The above described real estate to be subject to two parks to be deeded to the Walden Community Association, Inc. said greenway noted in Walden, Section IV as blocks "E" and "F" and containing 1.65 acres, more or less.

Therefore, the amount of assessable area to developer for the described real estate contains 13.26 acres.

As the Developer will pay for the cost of construction of said sewer as it pertains to the above described area, no charge or assessment is made by this Agreement against the above described real estate for the construction of said sewer by the present or future owners of said real estate except only as to such standard tap-in, inspection fees and monthly sewage treatment charges as are customarily charged by the City for connections to City Sewer mains and treatment of sewage therefrom.

An area connection charge of \$300.00 per acre must be paid to City at the time of connection. This area connection charge is in addition to the local charge as set forth above, and represents the oversizing cost expended by City for sewer line pertaining to Pierson Ditch Interceptor - Resolution No. 145-1064 and Resolution No. 146-1964, adopted by resolution of the Board of Works on September 14, 1964.

5. BOND

This contract is subject to Developer furnishing a satisfactory Guaranty Bond for 100% of the value of the sewer which shall guarantee said sewer against defects for a period of one (1) year from the date of final acceptance of said sewer by the City.

6. LIMITATION ON USE

Said sewer shall be constructed for disposal of sanitary sewage only and neither the parties hereto, their successors, or assigns, or any future owner of any land serviced by said sewer, shall at any time discharge or permit to be discharged or to flow into said sanitary sewer, any water runoff caused by natural precipitation or anything other than sanitary sewage or contaminated waste.

7. COUNCILMANIC APPROVAL

It is understood and agreed that this contract is in all respects subject to approval by the Common Council of City, by duly adopted Ordinance, and if such Ordinance is not adopted within a period of ninety (90) days after execution thereof, this contract shall be null and void and of no further force and effect.

IN WITNESS WHEREOF, the parties have subscribed to this agreement the day and year first above written:

AMPED SERVICE CORPORATION

BY: Robert C. Stump / Secy.

BY: C. Thorpe / MCM


CITY OF FORT WAYNE, INDIANA

BY: Ivan A. Lebamoff
Ivan A. Lebamoff, Mayor

ATTEST:


 Clerk

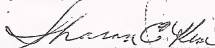
Approved as to form and legality


 This instrument prepared by Joseph L. Zehr

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me, a Notary Public, in and for said County and State, this 6 day of OCTOBER, 1975, personally appeared the within named Roger A. Steup and C. Thomas McCoy, who being by me first duly sworn upon their oath that they are Secretary of AMFED SERVICE CORPORATION, and Treasurer of AMFED SERVICE CORPORATION respectively, and as such, duly authorized to execute the foregoing instrument and acknowledged the same as the voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.



Notary Public, Sharon E. Kem

My Commission Expires:

January 25, 1979

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Mayor Ivan A. Lebamoff, Jerry D. Boswell, Carl E. O'Neal, Betty L. Nault and Edna I. Smith, who acknowledged the execution of the foregoing agreement for sewer extension, as and for his voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and notarial seal, this 9 day of October, 1975.



Notary Public

My Commission Expires:

March 6, 1976

DIGEST SHEET

TITLE OF ORDINANCE Special Ordinance

✓
1-75-10-56

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE Covers Agreement for Sewer Extension for Walden, Section IV
between AMFED Service Corporation and the City of Fort Wayne.

Copy of Agreement Attached

EFFECT OF PASSAGE Provide sewer facilities for residents in Walden, Section IV

EFFECT OF NON-PASSAGE Inadequate sewer facilities in area of Walden, Section IV

MONEY INVOLVED (Direct Costs, Expenditures, Savings) No cost to City

ASSIGNED TO COMMITTEE _____

*City Auditor
J.H.*